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8 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 79/14-106

12 **SOLORZANO AUTO REPAIR, INC. DBA**
SOLORZANO AUTO REPAIR, INC
13 **45864 Boulder Way**
Temecula, CA 92592
14 **EDDY SOLORZANO, PRESIDENT**
GRISELDA SOLORZANO, SECRETARY
15 **EDDY ENRIQUE SOLORZANO,**
TREASURER
16 **Automotive Repair Dealer Registration**
No. ARD 266037
17 **Smog Check Station License No. RC 266037**

ACCUSATION

18 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Patrick Dorais ("Complainant") brings this Accusation solely in his official capacity
23 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

24 **Automotive Repair Dealer Registration**

25 2. On or about July 22, 2011, the Bureau issued Automotive Repair Dealer Registration
26 Number ARD 266037 ("registration") to Solorzano Auto Repair, Inc. doing business as
27 Solorzano Auto Repair, Inc., with Eddy Solorzano as President, Griselda Solorzano as Secretary,
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1 and Eddy Enrique Solorzano as Treasurer. The registration was in full force and effect at all
2 times relevant to the charges brought herein and will expire on July 31, 2014, unless renewed.

3 **Smog Check Station License**

4 3. On or about September 16, 2011, the Bureau of Automotive Repair issued Smog
5 Check Station License Number RC 266037 to Solorzano Auto Repair, Inc. doing business as
6 Solorzano Auto Repair, Inc. ("Respondent"), with Eddy Solorzano as President, Griselda
7 Solorzano as Secretary, and Eddy Enrique Solorzano as Treasurer. The Smog Check Station
8 License was in full force and effect at all times relevant to the charges brought herein and will
9 expire on July 31, 2014, unless renewed.

10 **STATUTORY PROVISIONS**

11 4. Section 9884.7 of the Code states, in pertinent part:

12 (a) The director, where the automotive repair dealer cannot show there
13 was a bona fide error, may deny, suspend, revoke, or place on probation the
14 registration of an automotive repair dealer for any of the following acts or omissions
15 related to the conduct of the business of the automotive repair dealer, which are done
16 by the automotive repair dealer or any automotive technician, employee, partner,
17 officer, or member of the automotive repair dealer.

18 (1) Making or authorizing in any manner or by any means whatever any
19 statement written or oral which is untrue or misleading, and which is known, or which
20 by the exercise of reasonable care should be known, to be untrue or misleading.

21 (2) Causing or allowing a customer to sign any work order that does not
22 state the repairs requested by the customer or the automobile's odometer reading at
23 the time of repair.

24 (4) Any other conduct that constitutes fraud.

25 (6) Failure in any material respect to comply with the provisions of this
26 chapter or regulations adopted pursuant to it.

27 (7) Any willful departure from or disregard of accepted trade standards
28 for good and workmanlike repair in any material respect, which is prejudicial to
another without consent of the owner or his or her duly authorized representative.

(b) Except as provided for in subdivision (c), if an automotive repair
dealer operates more than one place of business in this state, the director pursuant to
subdivision (a) shall only suspend, revoke, or place on probation the registration of
the specific place of business which has violated any of the provisions of this chapter.
This violation, or action by the director, shall not affect in any manner the right of the
automotive repair dealer to operate his or her other places of business.

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or
place on probation the registration for all places of business operated in this state by

1 an automotive repair dealer upon a finding that the automotive repair dealer has, or is,
2 engaged in a course of repeated and willful violations of this chapter, or regulations
3 adopted pursuant to it.

4 5. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
5 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
6 proceeding against an automotive repair dealer or to render a decision invalidating a registration
7 temporarily or permanently.

8 6. Code section 9889.7 provides, in pertinent part, that the expiration or suspension of a
9 license by operation of law or by order or decision of the Director or a court of law, or the
10 voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any
11 disciplinary proceedings.

12 7. Code section 9889.9 states that “[w]hen any license has been revoked or suspended
13 following a hearing under the provisions of this article [Article 7 (commencing with section
14 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of
15 this chapter in the name of the licensee may be likewise revoked or suspended by the director.”

16 8. Code section 477 provides, in pertinent part, that “Board” includes “bureau,”
17 “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and
18 “agency.” “License” includes certificate, registration or other means to engage in a business or
19 profession regulated by the Code.

20 COST RECOVERY

21 9. Code section 125.3 provides, in pertinent part, that a Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

25 UNDERCOVER OPERATION NO. 1

26 10. On or about May 16, 2013, a Bureau undercover operator (“operator”) drove a
27 Bureau documented 2005 Chevrolet to Respondent’s facility for a diagnosis. The only defect in
28 the transmission involved the vehicle’s 2-3 shift solenoid which had an open circuit, causing the
check engine light to illuminate. The operator spoke with a man who identified himself as Eddy.

1 The operator told Eddy that the vehicle was sluggish and the check engine light was on. Eddy
2 instructed the operator to write down her information on a yellow pad and told the operator that
3 the diagnosis fee was \$65.00. The operator was not given an estimate, only a piece of paper with
4 the shop's name address, and telephone number. The operator then left the facility. Later that
5 afternoon, the operator called Eddy who stated that the vehicle needed a solenoid, a transmission
6 control module, gaskets, fluids, and oils for a total charge of \$1,200.00.

7 11. On or about May 17, 2013, the operator called Eddy back and approved the repairs.
8 Eddy told the operator he would need a \$400.00 deposit to start the work. Later that day, the
9 operator went to Solorzano Auto Repair, Inc. and paid Eddy the requested \$400.00 deposit in
10 cash. The operator signed an estimate and received a copy.

11 12. On or about May 21, 2013, the operator went to Solorzano Auto Repair, Inc. to pick
12 up the 2005 Chevrolet. Eddy asked the operator for \$800.00 which the operator gave to him in
13 cash. Eddy then gave the operator a copy of invoice number [REDACTED] which stated that a shift
14 solenoid was replaced, the transmission and torque converter were flushed, the transmission filter,
15 fluid, and gasket were replaced, and a bad ground was repaired at the transmission control
16 modulator. Eddy did not explain, and the operator did not ask, why he had originally indicated
17 the vehicle needed a transmission modulator but later did a wiring repair.

18 13. On or about May 21, 2013, after the operation was complete, the Bureau reinspected
19 the 2005 Chevrolet's transmission. The inspection revealed that the 2-3 shift solenoid was
20 replaced and one of the two magnets in the transmission pan was missing. The inspection also
21 revealed that the transmission filter was not replaced as invoiced. The inspection further revealed
22 that it was not necessary to flush the transmission and/or torque converter, the wiring harness at
23 the transmission had been tampered with and the electrical tape that wraps around the wires had
24 been removed, and a power supply wire had been cut and a butt connector installed. The wiring
25 was left un-insulated which compromises the wire harness. It was not necessary to repair the
26 wiring.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 14. Respondent has subjected its registration to discipline pursuant to Code section
4 9884.7, subdivision (a)(1), in that in or around May of 2013, it made statements which it knew or
5 which by exercise of reasonable care it should have known were untrue or misleading with regard
6 to the 2005 Chevrolet, as follows:

7 a. Respondent made and charged for repairs to the wiring harness which he falsely
8 stated were necessary.

9 b. Respondent falsely stated that the transmission control module needed to be replaced.
10 Respondent never replaced the transmission control module and failed to explain why he repaired
11 a wire harness instead.

12 c. Complainant hereby incorporates paragraphs 10 - 13 above, as though set forth fully.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 15. Respondent has subjected its registration to discipline pursuant to Code section
16 9884.7, subdivision (a)(4), in that in or around May of 2013, it committed acts which constitute
17 fraud by accepting payment for a transmission filter on the 2005 Chevrolet which had not been
18 replaced as invoiced. Complainant hereby incorporates paragraphs 10 - 13 above, as though set
19 forth fully.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Departure from Accepted Trade Standards)**

22 16. Respondent has subjected its registration to discipline pursuant to Code section
23 9884.7, subdivision (a)(7), in that in or around May of 2013, it willfully departed from or
24 disregarded accepted trade standards for good and workman like repair in that, while working on
25 the 2005 Chevrolet, it tampered with the wiring harness at the transmission by removing the
26 electrical tape that wraps around the wires leaving them un-insulated. Complainant hereby
27 incorporates paragraphs 10 - 13 above, as though set forth fully.

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1 **UNDERCOVER OPERATION NO. 2**

2 17. On or about August 14, 2013, a Bureau undercover operator ("operator") drove a
3 Bureau documented 1998 Chevrolet to Respondent's facility for a diagnosis. The only defect in
4 the transmission was an open circuit in the speed sensor, causing the check engine light to
5 illuminate. The operator spoke with a man named Eddy. The operator told Eddy that the vehicle
6 was sluggish and the check engine light was on. Eddy instructed the operator to write down her
7 information on a yellow pad and told the operator that the diagnosis fee was \$75.00. The operator
8 signed and was given a copy of an estimate with a business card stapled to it. The operator then
9 left the facility. Later that afternoon, the operator called Eddy who stated that the vehicle needed
10 various repairs for a cost of \$485.00. The operator went to the shop because she could not
11 understand Eddy on the phone. When the operator got to the shop, Eddy stated that the vehicle
12 needed a vehicle speed sensor, a serpentine belt, fuel injection cleaning, and intake cleaning.
13 Later the same day, the operator approved the repairs after twice confirming with Eddy that all
14 the repairs were needed to make the check engine light go off. The operator then paid Eddy
15 \$485.00 in cash.

16 18. On or about August 19, 2013, the operator went to Solorzano Auto Repair, Inc. to
17 pick up the 1998 Chevrolet. The operator signed the final invoice and Eddy released the vehicle
18 to her. The invoice stated that a speed sensor was replaced, a fuel injection service was
19 performed, an intake clean was performed, an injector flush was performed, and a serpentine belt
20 was replaced.

21 19. After the operation was complete, the Bureau reinspected the 1998 Chevrolet's
22 transmission. The inspection revealed the speed sensor was replaced and the check engine light
23 was off. The inspection also revealed, however, that the serpentine belt replacement and fuel
24 injection service were not necessary to get the vehicle to shift properly or extinguish the check
25 engine light.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 20. Respondent has subjected its registration to discipline pursuant to Code section
4 9884.7, subdivision (a)(1), in that on or around August of 2013, it made statements which it knew
5 or which by exercise of reasonable care it should have known were untrue or misleading, as
6 follows:

7 a. Respondent falsely told the operator that the serpentine belt on the 1998 Chevrolet
8 needed to be replaced along with an intake system cleaning and fuel injector service in order to
9 repair the vehicle and extinguish the check engine light. Respondent charged the operator for
10 these repairs when they were not necessary.

11 b. Complainant hereby incorporates paragraphs 17 - 19 above, as though set forth fully.

12 **OTHER MATTERS**

13 21. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
14 or permanently or refuse to validate, the registrations for all places of business operated in this
15 state by Solorzano Auto Repair, Inc., doing business as Solorzano Auto Repair, Inc., upon a
16 finding that it has, or is, engaged in a course of repeated and willful violations of the laws and
17 regulations pertaining to an automotive repair dealer.

18 22. Pursuant to Code section 9889.9, if any of the above captioned licenses, issued to
19 Respondent Solorzano Auto Repair, Inc., are revoked or suspended, any additional license issued
20 under this chapter in the name of said licensee may be likewise revoked or suspended by the
21 Director.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Director of Consumer Affairs issue a decision:

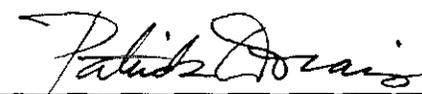
25 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
26 Registration Number ARD 266037, issued to Solorzano Auto Repair, Inc., doing business as
27 Solorzano Auto Repair, Inc.;

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2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued to Solorzano Auto Repair, Inc.;
3. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Solorzano Auto Repair, Inc.;
4. Ordering Solorzano Auto Repair, Inc., to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
5. Taking such other and further action as deemed necessary and proper.

DATED: March 13, 2014


PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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